

### REMARKS

The Applicant thanks the Examiner for the prompt and thorough Office Action dated October 29, 2002. Applicant has obtained a two-month extension to respond to this Office Action through March 29, 2003. Attached are copies of the Petitions for Extension of Time filed on January 29, 2003 and February 28, 2003, respectively.

The Examiner rejected claims 1-22 and 24-26 under 35 U.S.C. §103(a) as being unpatentable over *Ellington, III* in view of *Martensson, et al.*, *Porter* and *Hester*.

Applicant has canceled claim 1.

Applicant directs the Examiner's attention to line 4 of claim 15, which claims a "plurality of portable self anchoring walkway units..." (emphasis added). The "self-anchoring" limitation was added to the claims in the previous response submitted by the Applicant on or about August 8, 2002. However, the Examiner never addressed this limitation in a rejection of any of the pending claims, in present Office Action. Accordingly, the Examiner failed to establish a *prima facie* case of obviousness, because the Examiner did not address all the limitations of the rejected claims. As explained in more detail below, claims 20 and 26 contain a similar limitation, which is distinguishable over the cited prior art.

#### Claim 15, 20 and 26

As the Examiner may note, claim 15 has been amended, and is distinguishable over the primary reference of *Ellington*, which discloses a transportable building module, consisting of a reinforced concrete base 17 that is formed within a steel frame including frame members 12A, 12B, 14A and 14B as shown in FIG. 1. The vertically disposed frame members 18A-18D support a truss system upon which a flat roof may be mounted. As disclosed in column 5, lines 34-38, a typical 12' wide and 40' long building is contemplated by the invention. The building disclosed in *Ellington* is transportable and, once transported to the construction site, it is suitably anchored to a foundation. See, column 6, lines 23-27. In addition, the module is installed with interior upfittings as necessary for the building design. See, column 6, lines 28-35.

In contrast, amended claim 15 claims a walkway path comprising:

a plurality of portable, self-anchoring walkway units, each said base including a base constructed of reinforced concrete, and said base having at least two opposing ends, said units are aligned end-to-end to

form said walkway path extending from unit to unit, and each said base having a top surface and a periphery defining an entire width and entire length of said walkway path . . .

Each of the amended claims 15, 20 and 26 either claims a structure of a method for assembly of a transportable walkway path. *Ellington* discloses a building module 10, as shown in FIG. 1 that may be transportable, but *Ellington* does not teach or suggest that the building 10 of *Ellington* is a walkway path either alone or aligned with more than one building 10.

As noted above each of the claims 15 and 20 include the "self anchoring walkway units" limitation, and claim 26 which is a method claim includes the limitation that, "each said base having a sufficient weight to eliminate the need for anchoring devices or methods to secure said bases to the ground." On page 19, lines 17 through 20, of the present application, the base 24 is constructed of a sufficient size and weight to eliminate the need of anchoring for grounding means, such as anchors or concrete foundations. In contrast, *Ellington* requires the building module to be "suitably anchored to a foundation." Column 6, lines 23-26.

Applicant acknowledges that the building module disclosed in *Ellington* may be aligned in abutting relationship with a second building module. However, if two building modules, as designed in *Ellington*, were aligned end to end, any pathway created there between would be limited in size to the dimensions of the doorway between the two buildings. In comparison, the claimed invention claims each said base having a top surface and a periphery defining an entire width and entire length of said walkway path.

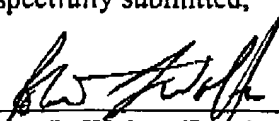
In addition, the building module disclosed by *Ellington* could not practically be used as a walkway path. The limitations of claim 15, 20 and 26 require the connection of the walkway path to a preexisting building. As set forth above, *Ellington* contemplates a building that is 12' wide and 40' long. Such a large module would require a large crane to remove the module from a trailer and position the module in place to form a pathway, and use of the crane would substantially increase the cost of construction of the walkway path. Moreover, such a large module could not be effectively maneuvered between or around the preexisting buildings. Accordingly, one skilled in the art would not consider aligning one or more of the building modules of *Ellington* to form a walkway path.

With respect to claim 16, *Ellington* does not disclose a joint portion integrally formed thereon, nor would it have been obvious to form such a joint for the building module disclosed in *Ellington*. In fact, it would be impossible to form such a joint portion integrally on the concrete base of the building module of *Ellington*. A steel frame, consisting of members 12A, 12B, 14A and 14B surrounds the reinforced concrete base of *Ellington*. A joint formed on the concrete requires forming holes, apertures or openings through the steel frame of *Ellington* to accommodate the joint on the concrete base. Such a joint would undermine the structural integrity of the steel frame surrounding the concrete base and supporting the upright frame members – not to mention unnecessarily complicating the fabrication process of the building module. Accordingly, *Ellington* does not in any way suggest forming a joint in the concrete base. Indeed, to do so would prevent the steel frame from functioning as designed.

In view of the foregoing, claims 15, 20 and 26 are allowable, and any claims directly or indirectly dependant there from are allowable. Each of the claims 2 through 14 contain limitations similar to or consistent with limitations of the amended claims 15, 20 and 26, or claim 16, and are allowable for the above stated reasons. Applicant respectfully requests the Examiner to reconsider rejection of the claims 2-26 based on the prior art of record.

If further prosecution of this application can be facilitated via telephone conference, the Examining Attorney is invited to contact the undersigned at (407) 926-7706.

Respectfully submitted,



Robert L. Wolter, Esquire  
Registration No. 36,972  
Beusse Brownlee Bowdoin & Wolter, P.A.  
390 North Orange Avenue, Suite 2500  
Orlando, Florida 32801  
Telephone: (407) 926-7706  
Facsimile: (407) 926-7720  
Email: [rwolter@iplawfl.com](mailto:rwolter@iplawfl.com)